

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor :	Mo Xu	
Appn. No.:	10/630,207	
Filed :	July 30, 2003	Group Art Unit: 2018
For :	PERFORMANCE FLOW GUIDE FOR IMPROVED ACOUSTICS	Examiner: Edgardo San Martin
Docket No.:	S01.12-1167/STL11080.0	

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**Electronically Filed  
April 9, 2009**

Applicant appeals to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed January 13, 2009, finally rejecting claims 1,3, 5-7, 9, 18-20, 22-24, 26 and 28-34.

**FEE STATUS**

[ ] Small entity status under 37 C.F.R. §§ 1.9 and 1.27 is established by a verified statement previously filed on ---.

**FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. § 1.17(b) the fee for filing the Notice of Appeal is:

[ X ] other than a small entity                    \$540.00  
[ ] small entity                                        \$270.00

**EXTENSION OF TIME**

These proceedings are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(a)        [ ] Applicant petitions for an extension of time under 37 C.F.R. § 1.17(a)-(d) for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
[ ] one month	\$ 130.00	\$ 65.00
[ ] two months	\$ 490.00	\$245.00
[ ] three months	\$1,110.00	\$555.00
[ ] four months	\$1,730.00	\$865.00

If an additional extension of time is required, please consider this a petition therefor.  
(check and complete the next item, if applicable)

[ ] An extension for --- --- has already been secured and the fee paid therefor of \$---  
is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$---

or

(b) [ X ] Applicant believes that no extension of time is required. However,  
this conditional petition is being made to provide for the possibility that Applicant has inadvertently  
overlooked the need for a petition and fee for extension of time.

#### **TOTAL FEE DUE**

The total fee due is:

Notice of Appeal fee \$540.00

Extension fee (if any) \$0

**Total Fee Due \$540.00**

**FEE PAYMENT**

[X ] An electronic payment in the amount of \$540.00 is attached.

[ ] Charge Deposit Account No. 23-1123, the sum of \$.

The Director is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

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DMK:rev